

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Monique West	Team: Squad #2	CCRB Case #: 201702740	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/03/2017 6:07 PM	Location of Incident: Cruger Avenue and Lydig Avenue	Precinct: 49	18 Mo. SOL 10/3/2018	EO SOL 10/3/2018	
Date/Time CV Reported Mon, 04/03/2017 6:54 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/10/2017 11:19 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Kellard	25863	949158	049 PCT
2. SGT Tameika Goode	01640	934950	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Salvatore Cerniglia	09489	938202	049 PCT
2. POM Robert Santangelo	30616	920806	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Tameika Goode	Discourtesy: Sergeant Tameika Goode spoke discourteously to § 87(2)(b)	
B.POM Andrew Kellard	Discourtesy: Police Officer Andrew Kellard spoke discourteously to § 87(2)(b)	
C.SGT Tameika Goode	Abuse: Sergeant Tameika Goode threatened to issue a summons to § 87(2)(b)	
D.SGT Tameika Goode	Abuse: Sergeant Tameika Goode stopped § 87(2)(b)	
E.POM Andrew Kellard	Force: Police Officer Andrew Kellard used physical force against § 87(2)(b)	

Case Summary

On April 3, 2017, § 87(2)(b) filed the following complaint with the Internal Affairs Bureau (IAB) on behalf of § 87(2)(b) who was unknown to her at the time of the incident, generating IAB log #17-12040. On April 10, 2017, this case was received by the Civilian Complaint Review Board (CCRB). Investigator West and IM Opoku-Agyemang consulted with the Administrative Prosecution Unit on this case. This case was added to the CCRB's sensitive case list after § 87(2)(b) arrest during this incident received media coverage (Board Review 01). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

On April 3, 2017, at approximately 6:07 p.m., § 87(2)(b) who was driving a § 87(2)(b) delivery truck, was on Cruger Avenue, between Lydig Avenue and Pelham Parkway South in the Bronx, when he noticed two marked police vehicles parked side by side blocking traffic. § 87(2)(b) approached the vehicles and asked Sergeant Tameika Goode and Police Officer Andrew Kellard of the 49th Precinct what was going on. Both Sergeant Goode and Police Officer Kellard allegedly told him to “Get the fuck out of here” (**allegations A and B**). Sergeant Goode allegedly told him that she could get in contact with his supervisor and issue him a summons (**allegation C**). After § 87(2)(b) returned to his vehicle, Police Officer Kellard approached him and asked him for his driver's license and his supervisor's name and phone number. § 87(2)(b) refused and attempted to close the door to end the conversation. Police Officer Kellard allegedly caught the door, grabbed § 87(2)(b) by the back of his neck and climbed into the truck. Police Officer Kellard “wrestled” him onto the floor of the truck and allegedly punched him approximately three or four times on the right side of his face. Police Officer Kellard then allegedly lifted his head and “slammed” the left side of his head on the floor of the truck (**allegation D**).

§ 87(2)(b) was arrested and charged with assault, resisting arrest, obstructing governmental administration, criminal possession of a weapon, disorderly conduct, and harassment (Board Review 02).

Video footage was obtained from surveillance cameras outside of an apartment building near the incident location and from the cell phone of an unknown bystander. The relevant portions of the full videos are embedded below and can be found in IAs #5, #51, #52 (Board Reviews 03, 04, 12, and 19).



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201702740_20170424_1141_DM.MOV

Mediation, Civil and Criminal Histories

- Due to § 87(2)(b) arrest and subsequent open criminal case, this case was not suitable for mediation.
- On April 26, 2017, § 87(2)(b) filed a Notice of Claim with the NYC Comptroller's Office claiming severe damages and serious injuries and seeking an unspecified amount of money as redress (Board Review 05).
- § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint involving § 87(2)(b) and § 87(2)(b) (Board Review 07).
- Sergeant Goode has been a member of the NYPD for 13 years and has had seven allegations against her involving four cases with no substantiated allegations and two recommendations of other misconduct in one case. § 87(2)(g) (see officer history).
 - In CCRB case #201405620, Sergeant Goode was cited for other misconduct for failing to prepare a memo book entry and for failing to supervise officers who conducted a vehicle search. She received a command A discipline from the NYPD.
- Police Officer Kellard has been a member of the NYPD for seven years and has had nine prior CCRB allegations against him involving three cases with no substantiated allegations or recommendations of other misconduct. Police Officer Kellard is currently the subject officer in another open CCRB case, case #201705450, in which similar allegations of force and discourtesy are being made against him (see officer history).

Potential Issues

- Police Officer Robert Santangelo of the 49th Precinct, who was Sergeant Goode's operator during the incident, went on terminal leave during the investigation before he was able to be interviewed.
- On April 10, 2017, field work was conducted to the incident location. The investigators encountered multiple individuals who claimed to know people who they heard had witnessed the incident; however, they refused to provide the names or contact information of these witnesses. They were provided CCRB business cards but no additional witnesses have contacted the CCRB in regards to this case. The owner of § 87(2)(b), who only identified himself as § 87(2)(b) spoke to investigators and stated that he saw one officer, described as a young white male with a skinny build, hitting § 87(2)(b) but he did not elaborate.
- § 87(2)(b) medical records were subpoenaed from § 87(2)(b) Hospital on April 26, 2017. § 87(2)(g)

§ 87(2)(g)

Follow up calls have been made to the hospital and once the medical records are received, they will be added to the case file upon receipt.

Findings and Recommendations

Allegations Not Pleaded

§ 87(2)(b) stated that Police Officer Kellard hit § 87(2)(b) head against the police vehicle when he was putting him in; however, § 87(2)(b) did not recall this. Therefore, this allegation is not pleaded.

Allegation A- Discourtesy: Sergeant Tameika Goode spoke discourteously to § 87(2)(b)

Allegation B- Discourtesy: Police Officer Andrew Kellard spoke discourteously to § 87(2)(b)

Allegation C- Abuse of Authority: Sergeant Tameika Goode threatened to issue § 87(2)(b) a summons.

On April 20, 2017, § 87(2)(b) and § 87(2)(b) provided phone statements to the CCRB (Board Reviews 08 and 09). On April 24, 2017, § 87(2)(b) was interviewed at the CCRB. On April 27, 2017, § 87(2)(b) an employee at the § 87(2)(b) provided a phone statement to the CCRB (Board Review 10). On May 17, 2017, Sergeant Goode was interviewed at the CCRB. On May 18, 2017, Police Officer Kellard and his partner, Police Officer Salvatore Cerniglia of the 49th Precinct were interviewed at the CCRB.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) stated that as he drove through the intersection of Cruger Avenue and Lydig Avenue, he saw two police cars, parked side by side, blocking traffic. He had a delivery at the end of the block and needed to pass. § 87(2)(b) double parked and approached in between the police vehicles where Police Officer Kellard was sitting in the driver's seat of the police vehicle to the right and Sergeant Goode was sitting in the passenger's seat of the police vehicle to the left. § 87(2)(b) asked them what was going on and if something serious had occurred. He informed them that they were blocking traffic and that he had work to conduct at the end of the block and needed to get by. Sergeant Goode informed him that he was interrupting their conversation. Both Sergeant Goode and Police Officer Kellard said, "Get the fuck out of here." Sergeant Goode told § 87(2)(b) that she was a supervisor and could get in contact with his supervisor and issue him a summons. § 87(2)(b) replied, "I wouldn't pay for the shit anyways" and returned to his vehicle. Sergeant Goode never informed him what he would be summonsed for. Their conversation only lasted a few seconds.

Police Officer Kellard, Sergeant Goode, and Police Officer Cerniglia provided accounts of this portion of the incident that were inconsistent with each other on several key parts.

Police Officer Kellard stated that he and his partner, Police Officer Cerniglia, were called to the scene by Sergeant Goode and her operator, Police Officer Santangelo because they had conducted a car stop and had run out of summonses. Police Officer Kellard pulled their vehicle

alongside the passenger's side of Sergeant Goode's vehicle, gave her the summonses and codes they needed and asked her whether she wanted him to stay. Before she was able to answer the question, § 87(2)(b) approached in between both of their windows and asked them what they were doing. Sergeant Goode asked him to go back to his car. § 87(2)(b) said, "Am I going to get an answer or should I just get the fuck out of here and go fuck myself." Sergeant Goode replied, "Get out of here." § 87(2)(b) replied, "Okay, so I guess I'll just get the fuck out of here then" and finally started walking back to his truck. Sergeant Goode did not say, "Get the fuck out of here." Sergeant Goode told him that they were in the middle of something and to go back to his car or he would be issued a summons for refusing a lawful order. Police Officer Kellard did not recall whether he said, "Get the fuck out of here." When asked whether he used any profanity towards § 87(2)(b) during the incident, Police Officer Kellard stated, "I may have. If I did, I used it as a tactic. When you speak professional to people and they're not cooperating and you start speaking a little more forcefully and use different tones of voice and language, they sometimes cooperate a little more."

Sergeant Goode stated that as she was giving her officers work-related instructions, § 87(2)(b) walked between their two vehicles and asked what was going on. He was "rude" and "disrespectful" but she did not recall exactly what he said. He never told them that he needed to pass. A conversation between Police Officer Kellard and § 87(2)(b) ensued. Police Officer Kellard told § 87(2)(b) to go back to his car. Sergeant Goode did not recall exactly what else he said or what § 87(2)(b) response was but she stated that he was verbally "combative." Sergeant Goode did not hear Police Officer Kellard use profanity towards § 87(2)(b). Sergeant Goode initially stated that she did not speak to § 87(2)(b). She later stated that she did not recall whether she gave § 87(2)(b) any commands but she did not believe that she did. She later acknowledged speaking to § 87(2)(b) at this time but stated that she only remembered saying, "That was quite rude" to him. She did not tell him to, "Get the fuck out of here" and did not hear Police Officer Kellard say that. § 87(2)(b) was not told that he could be issued a summons at that time. She did not tell him that she would get in contact with his supervisor and issue him a summons. Aside from double-parking, there was nothing that § 87(2)(b) could have been issued a summons for at that time.

Police Officer Cerniglia stated that § 87(2)(b) was being rude and he believed that he cursed but he did not remember exactly what was said. He asked what they were doing and stated that he was doing deliveries on the block. Sergeant Goode told him that he was being rude and to go back to his truck and wait a few minutes. § 87(2)(b) immediately turned around and walked away. He was there talking to them for approximately one minute. Police Officer Cerniglia did not recall whether Police Officer Kellard said anything to § 87(2)(b) at that time. He did not remember whether Sergeant Goode told § 87(2)(b) that she would issue him a summons. When asked whether he saw § 87(2)(b) do anything that he could have been arrested or summonsed for, Police Officer Cerniglia stated that he was acting "a little disorderly" when he walked up to the cars. When asked how he was acting disorderly, he stated that he was interfering with what they were doing. When asked whether this interference and disorderliness was only verbal, he agreed. He did not see him do anything else aside from this.

CCRB – Confidential

§ 87(2)(g)

Allegation D- Abuse of Authority: Sergeant Tameika Goode stopped § 87(2)(b)

§ 87(2)(b) stated that a few minutes after he returned to his vehicle, Police Officer Kellard moved his car, allowed two or three cars to pass and then returned to his previous position, blocking traffic. § 87(2)(b) was unable to move his truck during this time because the cars next to him had the “right of way” and he was never able to pull back into traffic. Police Officer Kellard then approached § 87(2)(b) and asked for his supervisor’s name and phone number. § 87(2)(b) had not exited his truck again prior to this and refused to provide the information to Police Officer Kellard when he would not give him an explanation of why he wanted this information.

§ 87(2)(b), § 87(2)(g)

Police Officer Kellard stated that there were approximately 20 to 30 people filming a rap video on the sidewalk and as § 87(2)(b) walked back to his truck, he started yelling at the people on the sidewalk saying, “These fucking cops. They’re always bothering everybody and have nothing better to do.” He created a crowd of approximately 20 people, who stood with him, faced the officers, and began yelling and cursing at the officers, creating a disturbance. The crowd was reacting to everything § 87(2)(b) said and did. They were jumping around with him saying, “Fuck the cops. Get the fuck out of here. What you doing here? Get out of my neighborhood.” They were approximately two car lengths from Police Officer Kellard’s vehicle and as it went on, the crowd got closer and larger. This went on for approximately 30 seconds to one minute. Sergeant Goode asked Police Officer Kellard to obtain § 87(2)(b) supervisor’s information and his driver’s license. They intended to write him a summons for disorderly conduct. Police Officer Kellard explained during his interview that § 87(2)(b) initially committed disorderly conduct for refusing a lawful order when he refused to go back to his truck. He stated that he also committed disorderly conduct by yelling and cursing and gathering a crowd. It was after this that the decision was made to issue him a summons for disorderly conduct. Police Officer Kellard stated that he never intended to issue him a summons for anything else although he could have been issued a summons for double parking.

In the Criminal Court Complaint, it notes that Police Officer Kellard stated that he was assisting other officers who were conducting a vehicle stop, when § 87(2)(b) walked up in between marked police vehicles with their turret lights illuminated and began screaming at him, “Yo, What are you guys doing over here wasting everybody’s time?” Police Officer Kellard further stated that he repeatedly asked § 87(2)(b) to return to his vehicle but § 87(2)(b) refused, and instead continued to screaming, causing a crowd of people to form. Police Officer Kellard that when § 87(2)(b) refused to leave the area surrounding the police vehicles, he asked § 87(2)(b) for his driver’s license and registration (Board Review 18).

Sergeant Goode stated that after their discussion with § 87(2)(b) he went back to his vehicle. Police Officer Kellard then immediately moved his vehicle in front of Sergeant Goode’s vehicle to allow traffic to pass freely again. Police Officer Kellard stayed there for a few seconds

and then, as he later described to Sergeant Goode, he saw that § 87(2)(b) was still double-parked. She later stated that she did not recall how long Police Officer Kellard stayed in front of her vehicle but that every vehicle that was stuck behind them, was allowed to pass through and § 87(2)(b) had the opportunity to pass by as well but he did not. Police Officer Kellard reversed his vehicle and proceeded to conduct a stop of § 87(2)(b) in the parked UPS truck. She had not issued Police Officer Kellard any commands to do so.

Police Officer Cerniglia stated that § 87(2)(b) immediately walked away from the officers upon being told to do so the first time. He did not see where § 87(2)(b) went after that. Sergeant Goode told Police Officer Kellard to get § 87(2)(b) supervisor's information.

Video footage shows that § 87(2)(b) was between the officers' vehicle for 30 seconds before he turned around and immediately returned to his truck. He did not interact with the crowd and the crowd did not interact with the officers.



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Video footage also shows that § 87(2)(b) did not have the opportunity to move his truck during the time that Police Officer Kellard moved his vehicle.



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Before officers may stop a person there must exist a reasonable suspicion that criminal activity is present. People v. De Bour, 40 N.Y.2d 210 (1976) (Board Review 17). A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: (1) he engages in fighting or in violent, tumultuous or threatening behavior; or (2) he makes unreasonable noise; or (3) in a public place, he uses abusive or obscene language, or makes an obscene gesture; or (4) without lawful authority, he disturbs any lawful assembly or meeting of persons; or (5) he obstructs vehicular or pedestrian traffic; or (6) he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or (7) he creates a hazardous or physically offensive condition by any act which serves no legitimate purpose. New York State Penal Law 240.20. A person is guilty of disorderly conduct only when the situation extends beyond the exchange between the individual disputants to a point where it becomes a potential or immediate public problem. People v. Baker, 20 N.Y.3d 354 (2013) (Board Review 20).

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

Allegation E-Force: Police Officer Andrew Kellard used physical force against § 87(2)(b)

§ 87(2)(b) stated that in order to end the conversation between him and Police Officer Kellard, he attempted to slam the driver's door closed while Police Officer Kellard was immediately outside of it. Police Officer Kellard caught the door with his left hand as the door was about half way closed. No part of his body had been in the door when § 87(2)(b) began to close it and Police Officer Kellard's hand did not get caught between the door and the frame when he caught it. Police Officer Kellard grabbed § 87(2)(b) by the back of his neck with his right hand and climbed into the truck on the driver's side. Police Officer Kellard was now entirely in the truck. § 87(2)(b) stood up to pull his neck out of the grasp of Police Officer Kellard; at which point, Police Officer Kellard "wrestled" § 87(2)(b) onto the floor of the truck, causing him to land on his stomach. No part of his body made any significant impact with the floor or any other part of the truck when he was brought to the floor.

Once on the floor, Police Officer Kellard punched § 87(2)(b) approximately three or four times on the right side of his face, around his right eye. The left side of his face was down on the floor. Police Officer Kellard then lifted § 87(2)(b) head and "slammed" the left side of his head, near his ear, on the floor of the truck, approximately three or four times. He then handcuffed § 87(2)(b) and removed him from the truck. § 87(2)(b) stated that he had not been doing or saying anything while Police Officer Kellard was using this force against him. He never kicked his legs, moved his body or did anything else to prevent Police Officer Kellard from placing him in handcuffs.

§ 87(2)(b) provided several photographs of bruising to his right cheek and left ear, which he alleged were caused by the force used against him by Police Officer Kellard (Board Reviews 13, 14, and 15). In § 87(2)(b) arrest photograph, a bruise is seen on his right cheek. He has no other apparent visible injuries (Board Review 16). In the TRI prepared by Police Officer Kellard, he notes that § 87(2)(b) sustained minor swelling and minor contusions due to the force used against him (Board Review 02).

§ 87(2)(b) stated that she saw something was happening outside of the Pelham Café and went outside. She saw Police Officer Kellard hit § 87(2)(b) in the face, multiple times. She was unable to estimate how many times. She initially stated that they were open handed hits but later referred to them as punches. Police Officer Cerniglia came and helped Police Officer Kellard "drag" § 87(2)(b) out of the truck. § 87(2)(b) went inside and did not see anything else.

§ 87(2)(b) stated that she was inside of the Pelham Café when she noticed a "commotion." She went outside and approached the UPS truck, which she noticed was shaking. When she got closer, she saw Police Officer Kellard punching § 87(2)(b) who was on the floor of the UPS truck, in the face. § 87(2)(b) initially stated that when Police Officer Cerniglia

approached, he got Police Officer Kellard off of § 87(2)(b). She later stated that Police Officer Cerniglia attempted to pull § 87(2)(b) away from Police Officer Kellard and take over the situation. Police Officer Cerniglia told Police Officer Kellard "no" and held onto § 87(2)(b) on the other side. At this time, § 87(2)(b) was already in handcuffs. They removed § 87(2)(b) from the truck. When § 87(2)(b) got closer, she saw bruises on § 87(2)(b) right cheek and above his left eyebrow.

Police Officer Kellard stated that after asking § 87(2)(b) for his information approximately five times and asking him to step out of the vehicle approximately three times, he reached up to grab § 87(2)(b) wrist to try to remove him from the vehicle. As he reached in but before he was able to make contact with § 87(2)(b) slammed the door with both hands with "all his might" while Police Officer Kellard's left arm was in the doorway. Police Officer Kellard tried to grab the door with his right hand to try to stop it from crushing his arm while simultaneously pulling his left arm out of the doorway. § 87(2)(b) continued to pull the door closed as Police Officer Kellard was trying to keep the door from closing on him. As a result, both of Police Officer Kellard's hands got caught in the door. Police Officer Kellard determined, at that point, that § 87(2)(b) was under arrest for assault. Police Officer Kellard pushed the door open and attempted to enter the vehicle. § 87(2)(b) stood up and kicked down at him, five or six times, making contact with him each time. He kicked him in his right shoulder, his side, his chest, and his right leg. Police Officer Kellard stated that he sustained scrapes and bruises from that.

While he was being kicked, Police Officer Kellard pushed through his kicks and entered the UPS truck. He grabbed § 87(2)(b) and tried to turn him around to put his hands behind his back. They were both standing at that time. § 87(2)(b) twisted his body, got out of Police Officer Kellard's grip, turned around to face him and put his hands up near his face, in fists, towards Police Officer Kellard. Police Officer Kellard grabbed § 87(2)(b) hands and they started wrestling around. Police Officer Kellard was trying to put § 87(2)(b) hands behind his back and § 87(2)(b) was resisting by twisting his body, flailing his arms, and swinging his fists. His fists made contact with Police Officer Kellard's chest but he sustained no injuries as a result.

Police Officer Kellard stated that, at that time, he was trying to use whatever force he could to place § 87(2)(b) in handcuffs. He did not remember what force he used but stated that he used "whatever was necessary at the time." They "wrestled" and ended up on the ground. Police Officer Kellard ordered § 87(2)(b) to give him his hands but he did not comply. He tried to keep § 87(2)(b) facing away from him because he was "throwing" punches. When asked how he did that he replied, "twisting and turning him I guess." He did not recall what part of his body he grabbed. When asked whether he ever struck § 87(2)(b) he replied, "Not that I recall." He did not recall whether they fell to the ground during the struggle or whether he tactically brought § 87(2)(b) to the ground. He and § 87(2)(b) both ended up on the floor of the truck. He did not recall what position they were in when they fell to the ground. He did not know whether § 87(2)(b) made contact with any part of the truck when he fell to the ground. When asked whether he made contact with any of those things, he responded, "I'm sure I did. I had scrapes and bruises all over me. I'm not sure from what."

Police Officer Kellard had control of one of § 87(2)(b) arms at that point but § 87(2)(b) would not give up his other arm. Police Officer Kellard eventually got control of his other hand and placed him in handcuffs without assistance from any other officer. He was on top of § 87(2)(b) when he placed him in handcuffs. He did not remember his weight being on him. He stated that he did not remember where his feet or his knees were. He stated that they were, “wherever he needed them to control him.” He did not know whether they were on § 87(2)(b) body or on the floor of the truck. Police Officer Kellard did not recall grabbing the back of § 87(2)(b) neck. He did not remember whether he ever made contact with § 87(2)(b) face. He never intentionally slammed § 87(2)(b) head into the truck. Police Officer Kellard never called for help.

In the Threat, Resistance, or Injury Report (TRI) prepared by Police Officer Kellard, he noted that § 87(2)(b) used a hand strike, a foot strike, a strike with a truck door, pushing and shoving, and wrestling and grappling against Police Officer Kellard and he sustained minor swelling and contusions as a result of this force. He further noted that to defend himself and to overcome resistance or aggression, he used a hand strike and a forcible take down against § 87(2)(b). He noted that § 87(2)(b) received minor swelling and minor contusions as a result of an intentional action by members of the service (Board Review 02).

The Line of Duty Injury Report (LOD) prepared in regards to Police Officer Kellard’s injuries notes that Police Officer Kellard was diagnosed with a small laceration to his left hand and swelling and a hair line fracture to the right hand (Board Review 21).

Police Officer Cerniglia stated that he saw § 87(2)(b) who was sitting in the driver’s seat of the UPS truck, slam the driver’s side door. He could not see whether § 87(2)(b) made any other movements towards Police Officer Kellard. Because of the height of the truck, Police Officer Cerniglia could not see everything that was happening. Police Officer Kellard, who was in the street on the driver’s side of the UPS truck, jumped in the truck. § 87(2)(b) was still seated at this time. Police Officer Cerniglia could only see bodies moving around and did not know exactly what was going on inside of the truck. He tried to approach the driver’s side of the truck but he could not fit because the UPS truck was double parked and there was another car parked next to it. § 87(2)(b) was on the floor of the truck and Police Officer Kellard was standing above him. He could not see how § 87(2)(b) was positioned on the ground. Police Officer Kellard yelled several times, “Give me your hands.”

Police Officer Cerniglia could not see what was happening in the truck and went to the passenger’s side where they were no seats. When he was able to see what was happening, Police Officer Kellard was handcuffing § 87(2)(b). He did not recall whether § 87(2)(b) was moving his body around but he did not think that Police Officer Kellard had a problem handcuffing him at that time. He did not see what kind of force Police Officer Kellard used against § 87(2)(b).

Sergeant Goode did not witness anything that occurred inside of the UPS truck.

There is no video footage that clearly captures the events that occurred inside of the UPS truck.

Patrol Guide Procedure 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it

is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances. If the force used is unreasonable under the circumstances, it will be deemed excessive and in violation of Department policy (Board Review 11).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Squad: 2

Investigator:	_____	_____	_____
	Signature	Print	Date

Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date